

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

Opening Statement Ranking Member Elijah E. Cummings H.R. 2229, All Circuit Review Act May 2, 2017

I introduced the All Circuit Review Act to make permanent a pilot provision in the Whistleblower Protection Enhancement Act. This provision gives federal whistleblowers the right to file appeals in the jurisdictions where they work or live.

I want to thank Representative Farenthold for cosponsoring this bill and working with me to advance it. Representative Farenthold also cosponsored the bill I introduced in the 113th Congress that extended this all circuit review authority for an additional three years—the All Circuit Review Extension Act.

President Obama signed law that bill into law in 2014 after it sailed through Congress with unanimous support. The bill we are considering today would make that all circuit review provision permanent. Otherwise, it will expire in November of this year.

Without this provision, whistleblowers could not appeal a decision of the Merit Systems Protection Board to any court except the United States Court of Appeals for the Federal Circuit. The Federal Circuit has historically been overly restrictive of whistleblower rights. According to MSPB, since the all circuit review provision has been in place, 29 cases have been appealed to courts other than the Federal Circuit.

Finally, I ask unanimous consent to place into the record a letter of support from the Project on Government Oversight, which states, and I quote:

“The pilot program has been a success. It has not resulted in a flood of whistleblower appeals as opponents of the program asserted it would do, and it allows for potential circuit splits, which encourage sister circuits to review the laws and allows for possible Supreme Court review. It is working exactly as intended and should be made permanent before it expires in November 2017.”

This is an important due process right for whistleblowers, and I urge the Committee to approve this bill.

Contact: Jennifer Werner, Communications Director, (202) 226-5181.